

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

---

**BERNADINE T. GRIFFITH**

**Plaintiff,**

**v.**

**ONEBEACON INSURANCE COMPANY,  
ONEBEACON AMERICA INSURANCE  
COMPANY, MICHAEL A. SISTO, and  
KAREN ALLEN HOLMES**

**Defendants.**

---

**C.A. No. 03-CV-12573-EFH**

**DEFENDANTS' MOTION TO EXTEND DISCOVERY PERIOD  
TO PERMIT TAKING OF DEPOSITIONS OF SUSAN E. MONER, M.D.,  
HELEN D. TRAMPOSCH, MD, and JOHN E. GARRISON, Ph.D.  
AND AMEND SCHEDULING ORDER**

NOW COME Defendants OneBeacon Insurance Company, OneBeacon America Insurance Company, Michael A. Sisto, and Karen Allen Holmes (collectively, "Defendants") respectfully request a thirty day extension of the discovery period for the sole purpose of deposing Plaintiff's treating physicians Susan D. Moner, M.D. and Helen E. Tramposch, M.D. and psychologist John D. Garrison, Ph.D. (collectively, the "Lahey doctors") and amendment of the scheduling order issued in the above-captioned matter. Specifically, and for the reasons set forth below, Defendants request extensions of the following deadlines:

<u>Event</u>	<u>Requested Deadline</u>
Fact discovery complete	June 1, 2005
Plaintiff to disclose expert witnesses	May 15, 2005

<u>Event</u>	<u>Requested Deadline</u>
Defendants to disclose expert witnesses	July 14, 2005
Depositions of all experts complete	August 15, 2005
All motions for amendments to pleadings filed	April 6, 2005
Motions under FRCP 56 filed	July 15, 2005
Oppositions to motions under FRCP 56 filed	August 5, 2005
Final pre-trial conference held and firm trial date set	September 2005

As grounds for their motion, Defendants state:

1. Though the depositions of the Lahey doctors were noticed on March 3, 2005, Plaintiff refused to permit the taking of the doctors' depositions until after the Court ruled on her Motion for Protective Order despite the fact that the Court had already granted Defendants' request for an extension to the discovery period. (*See* Defendants' Opposition to Plaintiff's Motion for Protective Order). As a result, Defendants could not move forward with scheduling the depositions until March 29, 2005 – the date the Court denied Plaintiff's Motion for Protective Order. (*See* March 29, 2005 Order Denying Plaintiff's Motion for Protective Order.)

2. Counsel for the Lahey doctors is currently in trial in Barnstable Superior Court in the matter of *Harrigan v. Manning*, Civil Action Number 00-00148A and is scheduled to begin trial in Suffolk Superior Court on April 25, 2005 in the matter of *Silva v. Rudman*, Civil Action Number 01-5195. (*See* Exhibit A, April 12, 2005 letter from Attorney Douglas Perlo regarding dates for the Lahey doctors' depositions). As a result, Defendants are unable to take the depositions of the Lahey doctors before the discovery period ends on May 2, 2005. (*See id.*).

3. Defendants and counsel for the Lahey doctors are in the process of scheduling the depositions of the Lahey doctors for mid-May. (*See id.*). Plaintiff, Defendants, and counsel for the Lahey doctors have agreed that the deposition of Helen D. Tramposch may for forward on May 13, 2005. (*See* Exhibit B, April 13, 2005 letter to Plaintiff regarding the deposition of Helen D. Tramposch).

WHEREFORE, for the foregoing reasons, Defendants respectfully request that this Court extend the discovery deadline to permit the depositions of Susan E. Moner, M.D. Helen D. Tramposch, M.D. and John E. Garrison, Ph.D. and amend the Scheduling Order as set forth above.

Respectfully submitted,

ONEBEACON INSURANCE CO.,  
ONEBEACON AMERICA INSURANCE CO.,  
MICHAEL A. SISTO, and  
KAREN ALLEN HOLMES

By their attorneys

/s/ Leah M. Moore  
Keith B. Muntyan (BBO # 361380)  
keithmuntyan@morganbrown.com  
Leah M. Moore (BBO # 658217)  
lmoore@morganbrown.com  
MORGAN, BROWN & JOY, LLP  
200 State Street  
Boston, MA 02109  
617-523-6666 (phone)

Dated: April 13, 2005

**CERTIFICATE OF SERVICE**

I, Leah M. Moore, hereby certify that on this 13th day of April 2005, I caused a true and correct copy of the foregoing to be served via first class mail upon Kathleen J. Hill, Esq., Attorney for Plaintiff, Law Office of Kathleen J. Hill, 92 State Street, Suite 700, Boston, Massachusetts 02109, being the address designated by said attorney for service of all pleadings.

/s/ Leah M. Moore  
Leah M. Moore